

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

In the outstanding Office Action, each of Claims 1-11 and 19 was rejected, either solely or primarily, based on Otaki (U.S. 6,128,128). Without acceding to the outstanding rejections, Claims 1, 2 and 9 have been cancelled without prejudice or disclaimer, while Claims 3 and 5 have been rewritten in independent form (with clarification as discussed below). The dependencies of Claims 6-8 and 19 have been revised in view of the aforementioned amendments.

Applicant respectfully submits that, at least as presently amended, each of independent Claims 3 and 5 distinguishes patentably from the Otaki reference. As amended, each of Claims 3 and 5 recites that the intermediate magnification varying part is constructed in such a way that its optical system is rotatable relative to the objective lens with an axis substantially orthogonal to an optical axis being a rotation axis. Thus amended, Claims 3 and 5 are believed clearly to avoid the Office's interpretation of Otaki, as asserted in the outstanding rejection. Moreover, the secondary references to Yonezawa (U.S. 6,320,702) and Saito (U.S. 6,188,514), which were recited with respect to Claims 7-8 and 19, respectively, are

not seen to overcome the above-discussed deficiency of Otaki with respect to Claims 3 and 5.

Accordingly, Applicant respectfully requests that the outstanding rejections be withdrawn.

Claims 20-22 have been added in order to provide specific protection for certain aspects of the invention within the broader scope of independent Claim 5, and they should be allowed for at least the same reasons as their base claim.

In view of the amendments and remarks presented herein, Applicant respectfully requests an early Notice of Allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and

has not been requested separately, such extension is hereby  
requested.

Respectfully submitted,

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